March 24, 2003

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: EX PARTE

***In the Matter of Qwest Communications International, Inc. Consolidated Application for Authority to Provide In-Region, InterLATA Services in New Mexico, Oregon, and South Dakota;* WC Docket No. 03-11**

Dear Ms. Dortch:

In its Reply Comments and various ex parte letters, Qwest attempts to evade responsibility for the many problems WorldCom has experienced with OSS in the Qwest region. Yet read carefully, Qwest's filings do not actually deny the existence of many of the problems WorldCom has identified. Qwest does not, for example, deny that inadequate documentation has led to many of the problems WorldCom has experienced. Moreover, Qwest has yet to respond to some of the critical new problems that WorldCom discussed in its Reply Comments.

I. Qwest Provides Inadequate Documentation and Technical Assistance For EDI Development

The biggest general problem WorldCom has faced in the development of EDI interfaces is the poor quality of Qwest's documentation and technical assistance. When combined with the overly complex, non-standard nature of Qwest's systems, Qwest's poor documentation has led to tens of thousands of rejects, a need for extensive redevelopment, and the total shutdown of WorldCom's systems for two weeks.

As discussed below, Qwest does not really deny the specific documentation issues WorldCom has raised. It does not point to documentation or other information provided to WorldCom that would have enabled WorldCom to avoid the OSS breakdowns it has experienced. Instead, Qwest responds primarily at a general level. Qwest asserts that thirty one individual CLECs have successfully developed EDI interfaces. Notarianni/Doherty Reply Decl. ¶ 5 ("OSS Reply Decl."). But as WorldCom explained in its Reply Comments, even if CLECs can eventually develop workable EDI interfaces, that does not mean they can do so without major difficulties given the current state of Qwest's documentation.

Moreover, the vast majority of the CLECs with EDI interfaces appear to have developed them for loop orders or other orders that do not require a CLEC to include feature detail on its orders – the very part of the EDI development process that is causing the bulk of the problems WorldCom is experiencing. That is apparent from reviewing Qwest's list of CLECs that ostensibly have developed EDI interfaces (Ex. LN-OSS-138), which includes very few CLECs with EDI interfaces for UNE-P POTS service or even resale. It is also apparent from Qwest's claim that over the last year CLECs have transmitted 69,000 EDI resale and UNE-P POTS conversion order transactions region wide. Id. ¶ 8. This is a tiny number of orders for an entire region for one year, suggesting that very few CLECs are submitting such orders. Indeed, in many individual states across the country, WorldCom submits that many UNE-P orders by itself in a single-month. In addition, many of those 69,000 orders were orders WorldCom submitted in conjunction with its partner Z-Tel. WorldCom submitted more than 45,000 orders between May 2003 and January 2003 through the Z-Tel systems. And as WorldCom explained in response to prior Qwest applications, Z-Tel had many problems in developing its interfaces as a result of the undocumented complexities in Qwest's systems. And even after coming to understand some of these complexities, Z-Tel was only able to reduce its reject rate to approximately 35% while it was still placing a relatively small number of orders. Thus, Z-Tel's experience is hardly a basis for claiming that Qwest's documentation and technical assistance are acceptable.

As for the other CLECs that ostensibly have placed resale and UNE-P POTS orders, these CLECs may be placing orders for "migration as is" in which there is no need to list any specific features on the order because all pre-migration features are being retained. And even if there are one or two CLECs that are placing UNE-P or resale orders that do include feature changes, Qwest does not show that these CLECs were able to smoothly develop EDI interfaces without significant problems.[1] Qwest does not even provide *current* volume or reject data for these CLECs, much less show they had few problems in the early stages of their launches. As we explained in our Reply Comments, WorldCom is only aware of one CLEC other than WorldCom and Z-Tel that is using EDI to place UNE-P orders, and that CLEC took a year to develop interfaces that it is now using to submit a small volume of orders.

In any event, as we now discuss, an examination of the specific documentation problems on which WorldCom has focused leaves no doubt that Qwest's documentation and technical assistance are inadequate given the extreme complexity of its OSS.

A. Qwest's Poor Documentation and Complex Systems Lead to Thousands of Rejects Related to Features

1. Feature identification for single-line customers

As WorldCom has discussed, Qwest's documentation fails to show CLECs where on the CSR a telephone number ("TN") is located for a single-line account. Nowhere does the documentation differentiate between single-line and multi-line accounts, much less tell CLECs specifically that for single-line accounts, CLECs must obtain the TN from the account number, not the feature detail.

Qwest does not point to anything in its documentation stating where the TN information is located for single-line accounts. Indeed, Qwest acknowledges that its documentation does not distinguish between single-line and multi-line accounts. Nonetheless, Qwest says that WorldCom should have somehow figured out that the telephone number for single-line accounts

[1] At least one CLEC agrees with WorldCom's discussion of the documentation problems. Eschelon notes its agreement in its Reply Comments. Eschelon Reply Comments at 4.

would not be included in the feature detail, as it is for multi-line accounts, because it is "logical" that the telephone number would be located elsewhere. That is absurd.

Qwest asserts that "[t]he CSR for a single-line account typically identifies each feature without repeating the telephone number ("TN") after it because, by definition each such feature is associated with that single-line. For multi-line accounts, the CSR lists the TN after each feature so it is clear to which line that feature applies." OSS Reply Decl. ¶ 15. That may be Qwest's logic, but it is hardly something a CLEC could know without documentation. Indeed, most ILECs arrange all accounts in the manner Qwest suggests is logical for single-line accounts. They list the telephone number before the feature information pertaining to that telephone number and then do not repeat the telephone number in the feature detail. Yet Qwest does not do this for multi-line accounts. Once WorldCom figured out that Qwest lists telephone numbers in feature detail for multi-line accounts – something that also was not documented – it had no reason to assume that this was different for single-line customers.

Indeed, Qwest's decision to include the telephone number in feature detail for multi-line accounts but not single-line accounts is actually illogical. That is because Qwest's decision forces it to move the telephone number into the feature detail for the first line whenever a customer purchases a second line. Moreover, Qwest's policy of differentiating single-line and multi-line accounts is illogical because a CLEC has no way to know from the face of the CSR whether an account is for a single-line or a multi-line account. Yet Qwest's decision forces CLECs to implement complex systems logic to figure this out. At present, WorldCom must look for the telephone number information in the feature detail for all features; if the telephone number is not there, WorldCom must then assume the account is a single-line account, and then use the telephone number that is part of the account number. It certainly was not obvious to WorldCom that Qwest would design its CSRs in such a manner. Moreover, WorldCom is not in the business of coding based on speculative inferences about an ILEC's ostensible logic.

Qwest also argues that "although Qwest's EDI documentation does not explicitly distinguish between the feature detail on the CSR for single-and mutli-line accounts," CLECs "should" have taken account of the difference "because Qwest's Developer Worksheets identify feature detail as 'optional.'" OSS Reply Decl. ¶ 16. But, if anything, the optional nature of feature detail would suggest that the telephone number would not be included in feature detail for <u>any</u> accounts; it provides no reason for a CLEC to conclude that the telephone number would be included in feature detail for multi-line accounts but not for single-line accounts.

Finally, the absurdity of Qwest's claim that CLECs should have been able somehow to infer the location of telephone numbers on CSRs is apparent from Qwest's reaction when WorldCom initially described the problem to Qwest in January. Qwest did not tell WorldCom that it should have been able to infer that the TN for single-line accounts was not in the feature detail. Indeed, Qwest itself did not understand this was so. Qwest initially told WorldCom that single-line accounts were different from multi-line accounts only in the Eastern region. OSS Reply Decl. ¶ 18 n. 26. Surely, if logic should have made it apparent to CLECs that single-line accounts would always be arranged differently than multi-line accounts, Qwest itself would have understood this.

2. <u>Feature Identification for Multi-line Accounts</u>

Qwest has not yet even attempted to justify its failure to disclose to CLECs that its CSRs for multi-line customers are formatted out-of-sequence. We will not repeat here our discussion of this critical problem, as the explanation in our Reply Comments remains unchallenged. Suffice it to say that rather than grouping all feature information together by telephone number, Qwest intersperses the feature information for different telephone numbers. But Qwest did not document this fact. It should not be the CLEC's responsibility to identify such major irregularities through receipt of thousands of rejected orders in production.

This second critical failure again forced WorldCom to undertake a major rewrite of its code. WorldCom planned to complete that rewrite by March 8, but instead has had to employ a different approach as a result of the complexity of the task. WorldCom is implementing a series of changes designed to respond to this problem. As of now, WorldCom is still experiencing a very high percentage of rejects related to feature issues.

3. Forward-to numbers

When WorldCom entered production, its orders also rejected because Qwest requires CLECs to include the old ten digit "forward to" number on orders. But Qwest often included only the seven digit number on its CSRs. Qwest did not document the fact that the forward to number on the CSR sometimes could not be used to submit orders.

Qwest responds that its documentation specifies that CLECs must include ten digits on orders. OSS Reply Decl. ¶ 19. But that is only part of the necessary information. What Qwest failed to document was that its CSRs often include only seven-digit numbers. To the contrary, Qwest repeatedly claimed that its pre-ordering and ordering interfaces could be integrated, which necessarily means that the old forward to numbers could be taken from the CSRs and placed on orders. CLECs therefore had every reason to conclude that the forward to numbers on the CSRs would always be ten digit numbers.

Qwest says that WorldCom should have known that CSRs sometimes include only seven-digit numbers because in June 2002, Eschelon submitted a CR requesting that the old "forward to" numbers no longer require ten digits. Id. ¶ 20. But Eschelon's CR referenced the recap function, which only exists in the GUI; thus WorldCom did not believe it pertained to EDI. More important, WorldCom's developers do not code based on change requests that have not been implemented; they code based on the EDI documentation that Qwest told them to rely on. This documentation does not disclose the existence of the "forward to" problem. Moreover, even if it had, there would have been little that WorldCom could have done to avoid the resulting rejects.

4. Table Updates

Qwest admits an error in updating a table in Oregon regarding the touchtone USOC. It also admits its documentation "could have been clearer" with respect to the NKS USOC. OSS Reply Decl. ¶¶ 22-23, 25. Both of these errors further exemplify the problems that have affected OSS implementation.

5. Missing USOCs

One documentation problem that WorldCom referenced in its Reply Comments has now taken on critical importance – Qwest's failure to provide a table of valid class-of-service Universal Service Order Codes ("USOCs") at the account level. WorldCom Reply Comments at 4 n.6. On every order, a CLEC must include account level USOCs, such as "1 FR" indicating that the account is a flat-rated account. There likely are hundreds or even thousands of such USOCs. Yet Qwest's product catalog ("PCAT") only identifies a few such USOCs. Thus, when a CLEC is programming its interfaces, it does not have a basis for knowing what USOCs to code into its systems.

WorldCom has repeatedly asked Qwest for a table of USOCs that it can import into its systems, or at least a list of USOCs with a description of what they are for. Other ILECs provide just such tables. But Qwest has refused to provide such a table or even a list and instead has pointed WorldCom to a "USOC FID finder." This web-based tool enables CLECs to identify the purpose of a USOC by typing in the USOC. But it does not provide the list of USOCs in the first place. Thus, in many instances, WorldCom's systems have encountered USOCs on CSRs that they were not programmed to recognize, rendering WorldCom unable to transmit acceptable orders. Indeed, thousands of WorldCom orders have already rejected for reasons that appear to be USOC-related. Once the order has rejected, WorldCom may be able to find the unrecognized USOC and type it into the USOC FID finder to determine what it is for. But WorldCom should not have to receive rejects and then perform a time consuming analysis to obtain information that should have been available from the beginning. Moreover, the CLEC can enter only one USOC at a time into the USOC FID finder, and, if the CLEC enters more than five orders consecutively, the USOC FID finder tends to crash. And once WorldCom does find the appropriate USOC, it then has to reprogram its systems to recognize that USOC.

Such "programming by reject" requires significant effort on WorldCom's part, will not be comprehensive, and is simply an absurd way to do business. Once again, WorldCom has been forced to go to extraordinary lengths because of deficiencies in Qwest's documentation. And with this particular deficiency, Qwest has not even promised in the future to provide a comprehensive list of USOCs with an explanation of their function.

B. Documentation Inconsistency and Complex Systems Lead to Rejects Related to Addresses

1. <u>CALA Codes</u>

WorldCom explained in its Reply Comments that the unnecessary requirement for submission of Customer Address Location Area ("CALA") codes and the inconsistent documentation regarding these codes have caused significant problems for WorldCom. WorldCom has experienced many rejects as a result of Qwest's CALA requirements and has been forced again to engage in recoding of its systems, which is not yet complete.

Qwest has not yet offered its justification for the CALA requirement or attempted to explain away its inconsistent documentation. We will therefore not repeat our description of the importance of this problem. But here we note that WorldCom is not the only CLEC to have been confused by Qwest's inconsistent documentation. At recent meetings, three other CLECs indicated that they had interpreted the CALA requirements in the same way as WorldCom and were also receiving many rejects as a result. Two CLECs (AT&T and Eschelon) also have joined WorldCom's request for escalation of this issue. There is simply no reason for CLECs to provide to Qwest an internal Qwest code that they have obtained from Qwest. If Qwest needs this code, it should retrieve the code itself.

2. <u>Database Mismatches</u>

WorldCom will not belabor the point that there are substantial mismatches between Qwest's PREMIS and CRIS databases and that the information Qwest has provided leaves CLECs unsure which one they should use. The migrate by TN and SANO functionality Qwest plans to implement in April will compare street address numbers to the CRIS database, yet Qwest still seems to be advising CLECs to use the PREMIS address. Qwest has not yet responded to WorldCom's discussion of this issue.

3. Address Validation for Second Lines

Qwest's address validation function works extremely poorly for second lines. CLECs cannot validate address for second lines by entering telephone numbers but instead must type in the customer's address. Qwest responds that its documentation makes clear that the CLEC should enter addresses, not telephone numbers. OSS Reply Decl. ¶ 27. WorldCom does not deny that this is a rare instance where Qwest's documentation is relatively clear. But Qwest has merely documented the existence of a system that does not function as it should.

By requiring CLECs to validate addresses by entering address information rather than telephone numbers, Qwest vastly increases the likelihood that CLECs will make typing errors in entering the information. Entering an address requires many more key strokes than entering a telephone number. Moreover, entering an address poses the risk of spelling or abbreviation errors that is not present with telephone numbers. And the existence of "near matches" does not resolve the problem, OSS Reply Decl. ¶ 29, because the address entered may sometimes be validated even though it is not the correct address. Moreover, resolving a "near match" adds critical time to the pre-order process.

II. Qwest Fails to Accurately Provision Blocking Options

In its Reply Comments, WorldCom described its audit showing that Qwest was not accurately updating CSRs. The first inaccuracy on the CSRs related to blocking options. Seventeen of the 82 CSRs WorldCom audited contained blocking options that WorldCom did not order.

Qwest's excuse for this high failure rate simply underscores the deficiencies in its EDI documentation. Qwest says that the reason the CSRs did not reflect the blocking options WorldCom ordered was that WorldCom did not order the blocking options correctly -- specifically, WorldCom did not list on its order those blocking features it wished to remove from the customers' accounts when it added others. *See* Qwest *ex parte* letter from Hance Haney to Marlene Dortch, March 11A, 2003. The problem with this excuse is that nothing in Qwest's documentation tells CLECs they must remove existing blocking options when placing a migration order that includes other blocking options. The ordering "error" to which Qwest points is based on an understanding of ordering requirements that Qwest never related to CLECs.

To the contrary, during the course of Qwest's prior section 271 applications, when WorldCom argued that Qwest's OSS required CLECs to list every feature the customer wishes to drop, as well as features the customer wished to retain or add, Qwest said that this was not so. Qwest explained that if the customer wished to drop a feature, the CLEC did not have to list that feature on the order. Yet Qwest now cavalierly states that CLECs do have to list blocking options the customer wishes to drop or those blocking options will be provisioned even after migration. Qwest points to no documentation telling CLECs this is so. Indeed, Qwest implicitly admits that such documentation does not currently exist, explaining that it "intends to update its PCAT to better explain how CLECs can order or remove multiple blocking options. . . ." *See* Qwest *ex parte* letter from Hance Haney to Marlene Dortch, March 11A, 2003.

On March 19, Qwest finally provided a preliminary version of the updated documentation. Based on the requirements in this documentation, WorldCom will almost certainly be forced to implement yet more coding changes. Moreover, WorldCom will have to find some way to work with Qwest to correct the blocking options for the customers whose orders already have been misprovisioned. As evident from WorldCom's audit, this is likely to be many customers, as a high percentage of customers change blocking options when migrating to WorldCom.

Finally, the process that Qwest now indicates CLECs must use to change blocking options is entirely unacceptable. Qwest says that CLECs must utilize the "remarks" field to order or remove multiple blocking options. CLECs must also request manual handling on such orders. *See* Qwest *ex parte* letter from Hance Haney to Marlene Dortch, March 11A, 2003. Thus, Qwest will manually process all orders for which any blocking features are removed. This will radically reduce Qwest's flow-through rate because, as indicated from the sample of CSRs that WorldCom audited, blocking options are very common features. The increase in manual handling will delay Qwest's response time and lead to errors. Moreover, orders that are manually handled are subject to different – and more lenient – requirements under Qwest's metrics.

Qwest's failure to document how to order blocking is perhaps understandable in light of the severely deficient process by which blocking must actually be ordered. Qwest may not have wanted to explain this process to CLECs. Both the non-existent documentation and the deficient ordering process are further reasons to reject Qwest's section 271 application.

III. Qwest Causes Additional Problems in Updating CSRs

In addition to Qwest's failure to accurately provision blocking options, WorldCom's audit revealed that Qwest often fails to update other information on the CSR. Qwest's justifications for these failures further demonstrate the undocumented inconsistencies in its OSS.

WorldCom explained that Qwest did not update the billing address on most CSRs to reflect that WorldCom, not WorldCom's end users, should receive the bill. In response, Qwest seems to implicitly acknowledge that it updates billing addresses differently in different Qwest regions even though it never documented this fact to CLECs. *See* Qwest *ex parte* letter from Hance Haney to Marlene Dortch, March 11A, 2003. Indeed, in meetings with WorldCom, Qwest said that it lists the end user's address as the billing address in the Central Region, WorldCom's address in the Western Region, and no billing address in the Eastern Region. But Qwest states that it does not matter that WorldCom's address is only listed as the billing address in the Western Region because this address is not used to determine where the bill should be sent. In other words, the inconsistent information Qwest provides to CLECs can be excused on the basis that this information is not used to send actual bills. Qwest does not explain, however, what purpose the billing address on the CSR does serve, or why, if it is irrelevant, it is included on the CSR.

WorldCom further explained that Qwest often does not update the line status information on the CSRs. Qwest acknowledges in its March 11A *ex parte* letter that it does not update the line status on the CSR in its Eastern region, but says it will fix this problem. In the meantime, CLECs have no access to information used to determine if a telephone number is a working telephone number. Moreover, Qwest never told WorldCom in meetings of the planned fix. WorldCom should not have to rely on *ex parte* filings for responses to information it asked at a business-to-business level. And WorldCom has now received a somewhat different response at a business-to-business level. Qwest told WorldCom on March 17 that the line status information does exist in the Eastern region for "RSID" accounts but not for "ZSID" accounts, contrary to its prior claim that the line status information does not exist in the Eastern region at all. It turns out, however, that all UNE-P accounts are ZSID accounts for which the line status information is not provided, but that too was not apparent from Qwest's documentation, and the Qwest representatives at the March 17 meeting were in disagreement over this fact. Moreover, at that meeting, Qwest still did not inform WorldCom of the planned fix for these accounts

Finally, WorldCom noted that Qwest often fails to include the service establishment date on the updated CSRs. Qwest again provides a different answer in its *ex parte* letter regarding service establishment dates than it provided directly to WorldCom. In its *ex parte* letter, Qwest says that the service establishment date only appears when an account is active – apparently meaning when the customer's retail account with Qwest remains active. *See* Qwest *ex parte* letter from Hance Haney to Marlene Dortch, March 11A, 2003. But in meetings with WorldCom, Qwest said that the service establishment date does appear on all CSRs – as it should – but appears on different places on the CSR in different regions. Qwest's inconsistent answers further underscore the difficulty for CLECs in understanding and using Qwest's OSS. Of course, Qwest's documentation does not explain either the answer Qwest provided in meetings with WorldCom or the one it provided in its *ex parte* letter. Moreover, neither explanation makes sense. The service establishment date informs a carrier of when a telephone number was first activated. This information should always remain on the CSR and should be in a consistent place on the CSR so that it can be found easily.

The bottom line with CSRs, as with much of the rest of Qwest's OSS, is that inconsistencies (here between regions) that are not documented make it far more difficult for CLECs to use the CSRs to obtain the information they need.

IV. CLECs Are Unable to Submit Supplemental Orders Before A CSR Has Been Updated

WorldCom has repeatedly explained that CLECs are unable to submit supplemental orders until Qwest has updated the customers' CSRs. In its Reply Comments, Qwest contends that because CLECs use the "same process as Qwest to submit subsequent orders before the CSR has been updated," the process is not discriminatory. OSS Reply Decl. ¶ 31. But the process Qwest touts as equivalent for CLECs, *See* March 18A *ex parte* letter, is a process that does not work! As WorldCom explained in its Comments, when CLECs submit orders using this process, they are rejected. Lichtenberg Decl. ¶ 27. When WorldCom discussed this with Qwest in January, Qwest did not claim to the contrary. Instead, it suggested an alternative work-around. But it was clear from the complexity of that process that it was not a possible solution. Lichtenberg Decl. ¶ 28. Qwest apparently agrees, as it does not describe that process to the Commission, but instead describes its original work-around, blithely ignoring the fact that the original work-around does not work.

The fact is that CLECs now have no process by which to submit subsequent orders before the CSR is updated. This is hardly equivalent to the process Qwest has for retail. And the existence of such a process was something Qwest emphasized in its prior section 271 applications, and that the Commission relied upon in granting those applications.

V. Customer Code Requirements Present Difficulties in Submitting Account Maintenance Orders

As WorldCom discussed in its Reply Comments, CLECs face significant problems in placing account maintenance orders to change features even after the CSR has been updated. Qwest requires CLECs to include an internal Qwest code known as a customer code on every order, including account maintenance orders to change features or other parts of a customer's account. When WorldCom constructed its interfaces, it asked where it should obtain the customer code, and Qwest told it to use the customer code returned on either the FOC or the SOC. After WorldCom asked which was preferable, Qwest said to use the code on the SOC. WorldCom therefore constructed its interfaces to use this code. After WorldCom began placing orders, however, it noticed discrepancies between the code returned on the FOC and SOC and again asked Qwest which code it should use. This time Qwest said the code on the FOC.

But Qwest has now reversed course again. In a meeting with WorldCom -- and also in a March 13A *ex parte* letter -- Qwest said that the customer code returned on the SOC "is the most current code known to Qwest at the time the order completes in the Service Order Processor ("SOP")." Thus, apparently the code on the SOC is more accurate than the code on the FOC. But contrary to Qwest's direction to WorldCom during development, the code on the SOC is not always accurate either. According to Qwest, "in certain limited instances (based on region and activity types," the code will change after the SOC is transmitted. *See* March 13A *ex parte*. In its meeting with WorldCom, Qwest was unable to identify what these instances were or how often they would occur.

Qwest says that CLECs can always obtain the most up to date customer code from the CSR. But CLECs should not have to obtain a CSR in order to place an account maintenance order. When the CLEC places an account maintenance order, the customer is already its customer. A CLEC like WorldCom has already imported all of the information about the customer into its own databases. It should not need to again access Qwest's database information on the customer in order to submit an account maintenance order. Moreover, doing so is particularly arduous in Qwest because, unlike every other ILEC, Qwest maintains multiple CSRs. While the proportion of customers with multiple CSRs may be relatively low on initial orders, the proportion is far higher when CLECs submit account maintenance orders. Qwest creates a second CSR for every customer who migrates to a CLEC but maintains the initial CSR until the final retail bill has been transmitted – generally at least 30 days after the initial order and often up to 90 days. Thus, if a CLEC attempts to pull a CSR in this time frame in order to submit an account maintenance order, it will find there are multiple CSRs.

Because of the major effort required to construct systems to pull multiple CSRs, the manual effort involved on each order to determine which CSR is correct, and Qwest's assurance that WorldCom could rely on the customer code on the SOC for account maintenance orders, WorldCom did not build its systems to pull multiple CSRs. Thus, Qwest's complex systems and poor technical assistance have again left WorldCom with OSS that is inadequate for the tasks needed to support its customers..

Qwest says that in the future it will provide an up-to-date customer code to CLECs through a "Posted to be Billed" Status Update. But this is a future promise that cannot be relied upon. Moreover, Qwest has told WorldCom in recent discussions that it is not sure that the customer code will remain fixed even after transmission of the "Posted to be Billed" Status Update. Thus, a CLEC may not be able to depend on this Status Update as a basis of submitting account maintenance orders either. And even if the information on the Status Update were reliable, Qwest does not provide the Status Update in a form that is easily usable. The Status Update is a "push driven" transaction that Qwest sends every time there is a "highly significant" change to an order in Qwest's systems. Qwest sends the Update whenever there is one of six different possible changes in order status in Qwest's systems. But the only one of these changes that is relevant to WorldCom is whether the order has posted to billing – the equivalent of a billing completion notice that is provided by other ILECs. CLECs should not have to code EDI systems to receive six different possible notifications as part of a status update when only one of these notifications is relevant.

VI. Qwest's DUF is Problematic

Qwest's response to the Daily Usage Feed ("DUF") problems WorldCom raised is unavailing. As WorldCom explained, Qwest uses several different codes for "pay per use" features, making them difficult to understand. Qwest responds that the five codes it uses are all industry standard codes. *See* March 10 *ex parte*. This is true, but Qwest does not document the meaning of each code, which is necessary to determine whether the calls are billable. For example, the code 061 apparently means that a call either has resulted in call set-up or in a busy signal. The former call would be billable, but the latter would not. Qwest has not been able to explain how WorldCom should determine whether such a call is billable. Nor has Qwest been able to explain when each of the five codes will be returned. Qwest appears to use these codes inconsistently across its region in the sense that identical calls will receive different codes on the DUF. No other BOC uses multiple codes.

WorldCom further explained that Qwest should not be sending it rated call records for calls such as *69 calls. Qwest responds that rated call records are permitted under industry guidelines, and that it returns rated call records when a call crosses state boundaries. For example, if a customer uses *69 to respond to an interstate call, Qwest provides a rated call record. But WorldCom has never before seen rated records returned for these calls, because it is WorldCom's understanding that states generally do not permit billing for *69 for interstate calls, as the customer would have no way of knowing in advance that the call was an interstate call for which he would be billed extra. WorldCom has asked this question of Qwest and has not yet received a response.

WorldCom finally noted that Qwest's Directory Assistance Complete a Call ("DACC") records are sometimes incorrectly designated as collect calls on the DUF. In meetings with WorldCom, Qwest has acknowledged that this is so, and on March 11, Qwest sent a message to the CLEC community informing it that "[I]ncorrect message types (position 80) were being generated on some DUF records for DACC messages. . . . You may have been receiving a message type of '5' (Special Collect) instead of a '1' (Sent Paid) on these DACC records." But in its March 10 *ex parte* letter, Qwest simply says that the incorrect message type has not appeared on WorldCom's records from the states at issue in this application. That is irrelevant, however. Qwest has previously claimed its OSS is regional, and Qwest received earlier section

271 approvals on that basis. Now that problems are appearing in some of the states for which approval has already been granted, Qwest should not be able to evade its responsibility on the basis that those states are not at issue.

WorldCom has also now found additional problems on the DUF. In one of its regions, Qwest is designating pay-per-use records (i.e., calls for auto redial or auto re-call with a rate class of 3) as operator station. These calls should be rate class 4 – dial station. When WorldCom's systems receive a rate class of 3, they include the call on the operator services portion of the customer's bill. But because the DUF lists the call as a pay-per-use call, the call is also included on the pay per use section of the customer's bill. Thus, while the summary portion of WorldCom's bill will be correct – and the customer will be charged the correct amount – the detail will be incorrect, and even the sum of the detail section will be incorrect. The detail will include the call twice, and thus the sum for the detail section will be higher than the sum in the summary portion of the bill. This will be confusing to the customers and will make WorldCom looks incompetent.

Moreover, WorldCom has determined that Qwest is including records related to a special Qwest pay-per-use feature -- "I CALLED" – in the "10018 records" on the DUF without an indicator as to what these records are for. There is, however, a "literal" in the records that actually says "I CALLED." Once WorldCom discovered this, Qwest confirmed that charges for this service would be included in the 10018 records, as WorldCom had initially found they were. WorldCom, therefore, began a relatively complex process of coding to recognize these records. But WorldCom then began finding records for the service also appeared in the 10019 records. As a result, for WorldCom to recognize all of the records, it would have to perform complex recoding for two sets of records. That is absurd. Qwest should begin providing these records consistently.

VII. Qwest Rejected Orders For Customers Who Had Dial-Up Access to Certain ISPs

Just as WorldCom filed its Reply Comments, a new issue became apparent. It became clear that when Qwest applied for section 271 authorization – and during its prior section 271 applications, Qwest was rejecting all orders for any customers who had dial-up access to certain ISPs, such as Microsoft Network, with whom Qwest had cut a deal to provide billing for those ISPs. This is astounding. There is absolutely no legal basis for Qwest to reject such orders. And in a world where most customers have some form of Internet connection, such a policy serves as a major barrier to competition.

WorldCom had explained in its Qwest I and II Comments that many of Qwest's <u>DSL</u> customers had been transferred to an ISP under Qwest's "Host Volume Discount Program." These customers could not obtain UNE-P voice service from CLECs unless they first contacted their ISP and had their DSL service disconnected. What WorldCom did not know, because Qwest did not document this fact, was that Qwest also had a deal with a number of ISPs to bill for dial-up access and that Qwest rejected UNE-P migration orders for these customers, as it did for DSL. Presumably Qwest did not document this fact because it is illegal.

As a result, WorldCom did not learn of this problem until late February, based on a complaint filed by a different CLEC (Desktop) in Minnesota. Once Qwest was caught in its illegal practice, it agreed to fix the problem. While desirable, this fix is irrelevant for purposes of this application. At the time Qwest applied, it was rejecting orders for the thousands of customers who had dial-up ISP access through certain well-known providers. Although Qwest ostensibly fixed the problem on March 12, it is unclear whether the fix is working – or even whether it has occurred. Indeed, as recently as March 21 Qwest's account team expressed surprise to learn that Qwest had released documentation on March 12 saying that a fix was being implemented immediately. The account team was unable to answer whether such a fix had even been implemented.

Moreover, the promised fix is a purely manual one. Orders for customers with the relevant dial-up service will drop to manual and Qwest will then somehow make the necessary changes to allow these orders to be provisioned and to change the billing arrangement with the ISP. As with all manual processes, this one is fraught with the possibility for error. And Qwest has not said how end users will be informed that they will no longer be billed by Qwest for ISP services -- or even how it will ensure that ISPs begin properly billing the customers without dropping the customers' accounts.

Conclusion

The extensive difficulties WorldCom has had in developing workable systems are squarely the fault of Qwest. It cannot be the case that Qwest is free to impose major costs on CLECs and their customers simply because some may eventually be able to surmount the barriers Qwest has created. And at this point it is not clear that the barriers can be surmounted. That is why no CLEC is offering service to mass markets customers in the Qwest region at anywhere near the volume level that exists elsewhere.

The fact is that mass markets competition is in its nascency in the Qwest region. Qwest's prior section 271 applications were approved, because no CLECs yet had sufficient experience in the region to clearly specify in detail the deficiencies in Qwest's OSS. WorldCom is the first CLEC that is really trying to bring mass market competition to the region. And the deficiencies in Qwest's OSS have come clearly into focus. The Commission must therefore deny Qwest's application. Only by doing so can the Commission ensure that competition in the Qwest region expands, so that in 2003 CLECs are able to successfully submit more than the paltry 69,000 UNE-P and resale orders they submitted region wide in all of 2002.

Please do not hesitate to contact us with any questions.

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